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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PINR](#) [PTER](#) [KJUS](#) [RS](#)
SUBJECT: RUSSIAN MFA SAYS RASUL KUDAEV'S HEALTH IS
SATISFACTORY

REF: A. MOSCOW 154
[1](#)B. STATE 4880

Classified By: Political Minister Counselor Alice G. Wells; reason 1.4
(b) and (d)

[1](#)1. (SBU) On April 23 Post received the following response from the Russian MFA pursuant to our January 23, 2009 demarche concerning the treatment of former Guantanamo detainee Rasul Kudaev, currently in pre-trial detention in Nalchik, the capital of the Republic of Kabardino-Balkaria (reftels).

ENGLISH TRANSLATION (PROVIDED BY RUSSIAN MFA) OF TEXT OF
STATEMENT ON TREATMENT OF RASUL KUDAEV:

Regarding the inquiry of the U.S. Embassy to Russia dated January 23, 2009, concerning the possibility of conducting "an independent medical examination" of the Russian citizen Rasul Kudayev held in custody in connection with the review of the Supreme court of the Kabardino-Balkaria Republic on the criminal case with regard to him and other persons about the commission of a number of serious and very serious crimes including those of a terrorist character, please be advised of the following:

According to the Ministry of Justice of the Russian Federation and the General Prosecutor's Office of the Russian Federation, R. V. Kudayev is held in Pre-Trial Detention Center "SIZO No. 1 FBU IZ-7/1 UFSIN of Russia" in the Kabardino-Balkaria Republic.

Over the entire period of detention in the pre-trial detention center, R.V. Kudayev has been under the surveillance of qualified physicians -- specialists of the Republican Clinical Hospital and the Medical Section of the Department of the Federal Prison Administration (UFSIN) for the Kabardino-Balkaria Republic, undergoes medical examination in out-patient and in-patient facilities, and courses of the necessary treatment. The last laboratory examination of R. V. Kudayev was carried out in February 2009 and the ultrasonic examination of the organs of the abdominal cavity -- in December 2008 and January 2009.

At present, the health condition of R.V. Kudayev is assessed as satisfactory. In connection with the diseases that he has, he receives the necessary treatment in full scale, has no complaints about medical assistance, and does not need any additional examinations involving other physicians and specialists.

In 2008, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment conducted an examination of the place of R.V. Kudayev's custodial detention. No complaints about cruel treatment were received from him. In addition, during the transfer of R.V. Kudayev, the Russian side gave guarantees that U.S. law enforcement agencies would

be granted access to him.

In this connection, please clarify what is meant by the U.S. side under "an independent medical examination."

Upon clarification by the U.S. side of its understanding of "an independent medical examination" and the prospective procedure for carrying it out, the Russian side will be ready to consider such a request within the shortest timeframe possible. However, it should be noted that, in compliance with the Russian legislation, any deviation from the established procedure for medical examination of the defendant is possible only with his consent and a positive decision of the respective judicial authority. In his case, the Supreme Court of the Kabardino-Balkaria Republic.

12. (C) During our January 2009 demarche (ref. A), when asked by Artem Kudoyarov, Deputy Director in the MFA's North America Department what we meant by an "independent" doctor, we responded one not associated with the prison and chosen by Kudaev's family. Medical examinations of Kudaev subsequent to our demarche have not been conducted by independent physicians. We will continue to monitor this Kudaev's medical condition through our human rights contacts and report any changes in either it or the medical care he receives.

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